

ASSEMBLY BILL

No. 2153

**Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Santiago)**

February 17, 2016

An act to amend Sections 25160.8, 25218.1, and 25218.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, as introduced, Cristina Garcia. Household hazardous waste: hazardous waste facilities.

(1) Existing law authorizes public agencies or their contractors to operate household hazardous waste collection facilities, as defined, and specifies conditions for the transportation of household hazardous waste. A violation of the hazardous waste control laws is a crime.

Existing law authorizes a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service that meets specified requirements to collect household hazardous waste from individual residences and, until December 31, 2019, transport that waste to a hazardous waste facility.

This bill would extend that authorization to transport household hazardous waste to a hazardous waste facility to December 31, 2021.

(2) Existing law requires, on or before December 31, 2019, public agencies and their contractors that transport household hazardous waste to a hazardous waste facility to use certain consolidated manifesting procedures.

This bill would extend the operation of the consolidated manifesting procedures requirement for these transporters to December 31, 2021.

(3) By extending local agencies' obligations to comply with requirements for transporting hazardous waste, this bill would impose a state-mandated local program because a violation of those requirements would be a crime.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25160.8 of the Health and Safety Code
2 is amended to read:

3 25160.8. (a) For purposes of this section, the following
4 definitions shall apply:

5 (1) "CESQG wastes" means hazardous waste generated by a
6 conditionally exempt small quantity generator, as defined in
7 subdivision (a) of Section 25218.1.

8 (2) "Door-to-door household hazardous waste collection
9 program" or "household hazardous waste residential pickup
10 service" has the same meaning as defined in subdivision (c) of
11 Section 25218.1.

12 (3) "Household hazardous waste" has the same meaning as
13 defined in subdivision (e) of Section 25218.1.

14 (4) "Public agency" has the same meaning as defined in
15 subdivision-(i) (j) of Section 25218.1.

16 (5) "Registered hazardous waste transporter" or "transporter"
17 means a person who holds a valid registration issued by the
18 department pursuant to Section 25163.

19 (b) In lieu of the requirements imposed upon a generator
20 pursuant to subdivision (b) of Section 25160 and the regulations
21 adopted by the department pursuant to Section 25161, a registered
22 hazardous waste transporter operating a door-to-door household
23 hazardous waste collection program or household hazardous waste
24 residential pickup service may use the manifesting procedure
25 specified in subdivision (c) if the transporter complies with the
26 requirements of subdivisions (d) and (e).

1 (c) A registered hazardous waste transporter operating a
2 door-to-door household hazardous waste collection program or
3 household hazardous waste residential pickup service shall comply
4 with all of the following manifesting procedures when transporting
5 household hazardous waste:

6 (1) A separate manifest shall be completed by each vehicle
7 driver with respect to each transport vehicle operated by that driver
8 for each date.

9 (2) The transporter shall complete both the generator's section
10 and the transporter's section of the manifest in the following
11 manner:

12 (A) In completing the generator's section of the manifest, the
13 transporter shall use the name, identification number, address, and
14 telephone number of the public agency operating the door-to-door
15 household hazardous waste collection program.

16 (B) In completing the transporter's section of the manifest, the
17 transporter shall use the transporter's own name, identification
18 number, terminal address, and telephone number.

19 (C) The generator's and transporter's sections shall be completed
20 prior to commencing each day's collection. The driver may sign
21 for the generator.

22 (3) (A) The transporter shall attach legible receipts to the front
23 of the manifest for each quantity of household hazardous waste
24 that is received from a household. The receipts shall be used to
25 determine the total volume of household hazardous waste in the
26 vehicle.

27 (B) After the household hazardous waste is delivered, the
28 receipts shall be maintained with the transporter's copy of the
29 manifest.

30 (C) The transporter shall provide a copy of the manifest to the
31 public agency authorizing the door-to-door household hazardous
32 waste collection program.

33 (D) A public agency shall retain each manifest submitted
34 pursuant to this paragraph for at least three years. The public
35 agency shall also retain the manifest during the course of any
36 unresolved enforcement action regarding a regulated activity or
37 as requested by the department or a certified unified program
38 agency.

39 (4) Each receipt specified in paragraph (3) shall have the
40 residential address from which the household hazardous waste was

1 received, the date received, the manifest number, the volume or
2 quantity of household hazardous waste received, the type of
3 household hazardous waste received, the public agency name and
4 phone number, and the driver's signature.

5 (5) The transporter shall enter the total volume or quantity of
6 each type of household hazardous waste transported on the manifest
7 at the change of each date, change of driver, or change of transport
8 vehicle. The total volume or quantity shall be the cumulative
9 amount of each type of household hazardous waste collected from
10 the generators listed on the individual receipts.

11 (6) The transporter shall submit a generator copy of the manifest
12 to the department within 30 days of each shipment.

13 (7) The transporter shall retain a copy of the manifest and all
14 receipts for each manifest at a location within the state for three
15 years. This transporter shall also retain the manifest during the
16 course of any unresolved enforcement action regarding a regulated
17 activity or as requested by the department or a certified unified
18 program agency.

19 (8) (A) The transporter shall submit all copies of the manifest
20 to the designated facility.

21 (B) A representative of the designated hazardous waste facility
22 that receives the household hazardous waste shall sign and date
23 the manifest, return two copies to the transporter, retain one copy,
24 and send the original to the department within 30 days of receipt.

25 (C) In lieu of submitting a copy of each manifest used, the
26 facility operator may submit an electronic report to the department
27 that meets the requirements of Section 25160.3.

28 (D) If an out-of-state receiving facility is not required to submit
29 the signed manifest copy to the department pursuant to Section
30 25160 or 25161, the transporter, acting on behalf of the generator,
31 shall submit a copy of the manifest signed by the receiving
32 hazardous waste facility to the department pursuant to paragraph
33 (3) of subdivision (b) of Section 25160.

34 (9) A transporter shall comply with all other requirements of
35 Sections 25160 and 25161, unless expressly exempted pursuant
36 to this section.

37 (d) A registered hazardous waste transporter operating a
38 door-to-door household hazardous waste collection program or
39 household hazardous waste residential pickup service shall comply
40 with all of the following requirements:

1 (1) A separate manifest shall be initiated for each jurisdiction,
2 such as from each city or each county, from which household
3 hazardous waste is collected, using the identification number of
4 the public agency operating the door-to-door household hazardous
5 waste collection program in that jurisdiction.

6 (2) (A) Only used oil, latex paint, and antifreeze that are
7 household hazardous wastes that are collected from individual
8 residents may be separately bulked on the vehicle, if the original
9 containers are appropriately managed.

10 (B) A transporter collecting household hazardous wastes from
11 multiple jurisdictions may consolidate those wastes at the time
12 they are collected only if there is a written agreement among all
13 of the jurisdictions and the transporter that wastes from multiple
14 jurisdictions may be consolidated.

15 (3) The transporter operating the door-to-door household
16 hazardous waste collection program or household hazardous waste
17 residential pickup service shall not collect CESQG wastes or mix
18 household hazardous waste with CESQG wastes in the same
19 vehicle or at the same time as conducting the residential
20 door-to-door household hazardous waste collection or household
21 hazardous waste residential pickup service.

22 (4) (A) The transporter shall conduct all door-to-door or
23 residential pickup operations to minimize potential harm to the
24 public, operators, haulers, and the environment.

25 (B) All associated collection personnel, contractors, and
26 emergency response personnel who will be handling the hazardous
27 waste shall use all required personal protective and safety
28 equipment during operating hours, as specified in Title 8 of the
29 California Code of Regulations.

30 (C) The transporter shall allow only those persons trained in
31 hazardous waste management, including personnel loading or
32 unloading waste from transport vehicles, to handle the household
33 hazardous waste.

34 (D) The transporter shall make available, upon request, to local,
35 state, or federal agencies, the job titles, job descriptions, and
36 personnel training records maintained for each person handling
37 hazardous waste, in the same manner as a hazardous waste facility
38 operator, as specified in subdivision (d) of Section 66264.16 of
39 Title 22 of the California Code of Regulations.

(e) (1) A transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service using the manifesting procedure specified in this section shall submit quarterly reports to the department 30 days after the end of each quarter. The transporter shall submit the first quarterly report on October 31, 2012, covering the July to September 2012 period, and the transporter shall submit a report every three months thereafter. Except as otherwise specified in paragraph (2), the quarterly report shall be submitted in an electronic format provided by the department.

(2) A transporter that uses the manifesting procedure specified in this section for less than 1,000 tons per calendar year may apply to the department to continue submitting paper format reports.

(3) For each transporter's name, terminal address, and identification number, the quarterly report shall include the following information for each generator for each manifest:

(A) The name of the public agency authorizing the door-to-door household hazardous waste collection program or household hazardous waste residential pickup service for each manifest.

(B) The date of the shipment.

(C) The manifest number.

(D) The volume or quantity of each waste stream received, its California and RCRA waste code, and the waste stream category listed.

(4) The department shall make all of the information in the quarterly reports submitted pursuant to this subdivision available to the public through its usual means of disclosure.

(f) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2. Section 25218.1 of the Health and Safety Code is amended to read:

25218.1. For purposes of this article, the following terms have the following meanings:

(a) "Conditionally exempt small quantity generator" or "CESQG" means a business concern that meets the criteria specified in Section 261.5 of Title 40 of the Code of Federal Regulations.

(b) "Curbside household hazardous waste collection program" means a collection service authorized by a public agency that is

operated in accordance with Section 25163 and subdivision (d) of Section 25218.5 and that collects one or more of the following types of household hazardous waste:

- (1) Latex paint.
- (2) Used oil.
- (3) Used oil filters.
- (4) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.

(c) “Door-to-door household hazardous waste collection program” or “household hazardous waste residential pickup service” means a household hazardous waste service that meets all of the following requirements:

(1) The program or service is operated by a public agency or its contractor.

(2) The program or service is operated in accordance with subdivision (e) of Section 25218.5.

(3) (A) The program or service collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either of the following:

(i) An authorized household hazardous waste collection facility.

(ii) A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

(B) Clause (ii) of subparagraph (A) shall become inoperative on and after January 1, ~~2020~~ 2022.

(d) “Household” means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.

(e) “Household hazardous waste” means hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.

(f) “Household hazardous waste collection facility” means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste, and its operation may include accepting hazardous waste from conditionally exempt small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities

1 include permanent household hazardous waste collection facilities,
2 as defined in subdivision (h), temporary household hazardous
3 waste collection facilities, as defined in subdivision (p),
4 recycle-only household hazardous waste collection facilities, as
5 defined in subdivision (n), curbside household hazardous waste
6 collection programs, as defined in subdivision (b), door-to-door
7 household hazardous waste collection program or household
8 hazardous waste residential pickup service, as defined in
9 subdivision (c), and mobile household hazardous waste collection
10 facilities, as defined in subdivision (g).

11 (g) “Mobile household hazardous waste collection facility”
12 means a portable structure within which a household hazardous
13 waste collection facility is operated and that meets all of the
14 following conditions:

15 (1) The facility is operated not more than four times in any one
16 calendar year at the same location.

17 (2) The facility is operated not more than three consecutive
18 weeks within a two-month period at the same location.

19 (3) Upon the termination of operations, all equipment, materials,
20 and waste are removed from the site within 144 hours.

21 (h) “Permanent household hazardous waste collection facility”
22 means a permanent or semipermanent structure at a fixed location
23 that meets both of the following conditions:

24 (1) The facility is operated at the same location on a continuous,
25 regular schedule.

26 (2) The hazardous waste stored at the facility is removed within
27 one year after collection.

28 (i) *“Person authorized by the public agency” means an*
29 *employee of a public agency or a person from whom services are*
30 *contracted by the public agency.*

31 (i)

32 (j) “Public agency” means a state or federal agency, county,
33 city, or district.

34 (j)

35 (k) “Quality assurance plan” means a written protocol prepared
36 by a public agency that is designed to ensure that reusable
37 household hazardous products or materials, as defined in
38 subdivision (o), that are collected by a household hazardous waste
39 collection program are evaluated to verify that product containers,
40 contents, and labels are as they originated from the products’

1 manufacturers. The public agency or a person authorized by the
2 public agency, as defined in subdivision ~~(k)~~, (i), shall design the
3 protocol to ensure, using its best efforts with the resources
4 generally available to the public agency, or the person authorized
5 by the public agency, that products selected for distribution are
6 appropriately labeled, uncontaminated, and appear to be as they
7 originated from the product manufacturers. A quality assurance
8 plan shall identify specific procedures for evaluating each container
9 placed in a recycling or exchange program. The quality assurance
10 plan shall also identify those products that shall not be accepted
11 for distribution in a recycling or exchange program. Unacceptable
12 products may include, but are not limited to, banned or unregistered
13 agricultural waste, as defined in subdivision (a) of Section 25207.1,
14 and products containing polychlorinated biphenyls (PCB), asbestos,
15 or dioxin.

16 ~~(k) “Person authorized by the public agency” means an~~
17 ~~employee of a public agency or a person from whom services are~~
18 ~~contracted by the public agency.~~

19 (l) “Recipient” means a person who accepts a reusable household
20 hazardous product or material at a household hazardous waste
21 collection facility operating pursuant to this article.

22 (m) “Recyclable household hazardous waste material” means
23 any of the following:

24 (1) Latex paint.

25 (2) Used oil.

26 (3) Used oil filters.

27 (4) Antifreeze.

28 (5) Spent lead-acid batteries.

29 (6) Household hazardous waste that is designated as a universal
30 waste pursuant to this chapter or the regulations adopted by the
31 department, except a universal waste for which the department
32 determines, by regulation, that there is no readily available
33 authorized recycling facility capable of accepting and recycling
34 that waste.

35 (n) “Recycle-only household hazardous waste collection facility”
36 means a household hazardous waste collection facility that is
37 operated in accordance with Section 25218.8 and accepts for
38 recycling only recyclable household hazardous waste materials.

39 (o) “Reusable household hazardous product or material” means
40 a container of household hazardous product, or a container of

1 hazardous material generated by a conditionally exempt small
2 quantity generator, that has been received by a household hazardous
3 waste collection facility operating pursuant to this article and that
4 is offered for distribution in a materials exchange program to a
5 recipient, as defined in subdivision (l), in accordance with a quality
6 assurance plan, as defined in subdivision ~~(j)~~. (k).

7 (p) “Temporary household hazardous waste collection facility”
8 means a household hazardous waste collection facility that meets
9 both of the following conditions:

10 (1) The facility is operated not more than once for a period of
11 not more than two days in any one month at the same location.

12 (2) Upon termination of operations, all equipment, materials,
13 and waste are removed from the site within 144 hours.

14 SEC. 3. Section 25218.5 of the Health and Safety Code is
15 amended to read:

16 25218.5. (a) (1) Except as provided in paragraph (2),
17 hazardous waste transported to a household hazardous waste
18 collection facility shall be transported by any of the following:

19 (A) The individual or CESQG who generated the waste.

20 (B) A curbside household hazardous waste collection program.

21 (C) A mobile household hazardous waste collection facility, a
22 temporary household hazardous waste collection facility, or a
23 recycle-only household hazardous waste collection facility.

24 (D) A door-to-door household hazardous waste collection
25 program.

26 (E) A household hazardous waste residential pickup service.

27 (F) A registered hazardous waste transporter carrying hazardous
28 waste generated by a CESQG.

29 (G) A registered hazardous waste transporter carrying hazardous
30 waste from a solid waste landfill loadcheck program or a transfer
31 station loadcheck program under agreement with the household
32 hazardous waste collection facility.

33 (H) A registered hazardous waste transporter, under agreement
34 with the household hazardous waste collection facility, operating
35 under a contract with a public agency to transport hazardous wastes
36 that were disposed of in violation of this chapter, and that are being
37 removed by, or are being removed under the oversight of, the
38 public agency, if the hazardous wastes were not originally disposed
39 of in violation of this chapter by that public agency.

1 (2) Spent batteries that are received and transported pursuant
2 to Section 25216.1 may be transported to a household hazardous
3 waste collection facility from a collection location or an
4 intermediate collection location.

5 (3) Notwithstanding Section 25218.4, a registered hazardous
6 waste transporter or mobile household hazardous waste collection
7 facility transporting hazardous waste to a household hazardous
8 waste collection facility shall comply with subdivisions (a) and
9 (c) of Section 25163 and paragraph (1) of subdivision (d) of Section
10 25160.

11 (b) An individual transporting household hazardous waste
12 generated by that individual and a CESQG transporting hazardous
13 waste generated by the CESQG to a household hazardous waste
14 collection facility shall meet all of the following conditions:

15 (1) (A) Except as provided in subparagraphs (B) and (C) and
16 Section 25218.5.1, the total amount of household hazardous waste
17 transported by an individual or hazardous waste transported by a
18 CESQG to a household hazardous waste collection facility shall
19 not exceed a total liquid volume of five gallons or a total dry weight
20 of 50 pounds. If the hazardous waste transported is both liquid and
21 nonliquid, the total amount transported shall not exceed a combined
22 weight of 50 pounds.

23 (B) Subparagraph (A) does not apply to spent batteries that are
24 collected by a collection location or intermediate collection location
25 pursuant to Section 25216.1 and transported to a household
26 hazardous waste collection facility.

27 (C) A CESQG may transport up to 27 gallons or 220 pounds,
28 but not more than 100 kilograms, per month to a household
29 hazardous waste collection facility, if all of the following
30 conditions are met:

31 (i) The hazardous waste being transported was generated by
32 that CESQG.

33 (ii) The CESQG contacts the household hazardous waste
34 collection facility prior to each delivery to confirm that the facility
35 will accept the hazardous waste.

36 (iii) The household hazardous waste collection facility provides
37 oral, written, or electronic instructions to the CESQG prior to each
38 delivery on proper packing for the safe transportation of the specific
39 hazardous waste being transported.

1 (iv) The CESQG or employees of the CESQG transport the
2 hazardous waste in a vehicle owned and operated by the CESQG.

3 (2) The household hazardous waste and CESQG hazardous
4 waste that is transported shall be in closed containers and packed
5 in a manner that prevents the containers from tipping, spilling, or
6 breaking during transport.

7 (3) Different household hazardous wastes or different CESQG
8 hazardous wastes shall not be mixed within a container before or
9 during transport.

10 (4) If the hazardous waste is an extremely hazardous waste or
11 an acutely hazardous waste, the total amount transported by a
12 CESQG shall not exceed 2.2 pounds.

13 (c) (1) Except as provided in paragraph (2), the total combined
14 volume or weight of latex paint, used oil filters, antifreeze, and
15 small batteries transported to a recycle-only household hazardous
16 waste collection facility by any one individual shall not exceed a
17 total volume of 10 gallons or a total dry weight of 100 pounds. Up
18 to two spent lead-acid batteries may be transported at the same
19 time and not more than 20 gallons of used oil may be transported
20 in the same vehicle if the volume of each individual container does
21 not exceed five gallons.

22 (2) Paragraph (1) does not apply to spent batteries that are
23 collected by a collection location or intermediate collection location
24 pursuant to Section 25216.1 and transported to a household
25 hazardous waste collection facility.

26 (d) A curbside household hazardous waste collection program
27 shall meet all of the following conditions:

28 (1) Not more than a total combined weight of 10 pounds of used
29 oil filters shall be collected from a single residence at one time.

30 (2) Not more than five gallons of used oil shall be collected
31 from a single residence at one time, and the volume of each
32 individual container collected shall not exceed five gallons.

33 (3) Not more than five gallons of latex paint shall be collected
34 from a single residence at one time, and the volume of each
35 individual container collected shall not exceed five gallons.

36 (4) Hazardous waste containing mercury shall not be collected
37 by a curbside household hazardous waste collection program unless
38 the waste is contained in secure packaging that prevents breakage
39 and spillage.

1 (5) Fluorescent light tubes that are four feet or greater in length
2 shall not be collected by a curbside household hazardous waste
3 collection program.

4 (6) The transported household hazardous waste shall be in closed
5 containers and packed in a manner that prevents the containers
6 from tipping, spilling, or breaking during transport.

7 (7) Different household hazardous wastes shall not be mixed
8 within a container before or during transport.

9 (e) A door-to-door household hazardous waste collection
10 program or household hazardous waste residential pickup service
11 shall meet all of the following conditions:

12 (1) The transported household hazardous waste shall be in closed
13 containers and packed in a manner that prevents the containers
14 from tipping, spilling, or breaking during transport.

15 (2) Different household hazardous wastes shall not be mixed
16 within a container before or during transport.

17 (3) (A) A door-to-door household hazardous waste collection
18 program or household hazardous waste residential pickup service
19 is exempt from the requirements of Section 25160 regarding the
20 use of a manifest when transporting household hazardous waste
21 collected from individual residences to an authorized hazardous
22 waste collection facility. In lieu of a manifest, a receipt shall be
23 issued for the household hazardous waste collected from an
24 individual residence, and a copy of the receipt shall be retained by
25 the public agency for a period of at least three years.

26 (B) (i) On and before December 31, ~~2019~~, 2021, if household
27 hazardous waste is transported to a hazardous waste facility, as
28 defined in Section 66260.10 of Title 22 of the California Code of
29 Regulations, the consolidated manifesting procedures specified in
30 Section 25160.8 shall be used by the public agency or its
31 contractor.

32 (ii) On and after January 1, ~~2020~~, 2022, the requirements of
33 clause (i) shall not be operative.

34 (f) Notwithstanding Section 25218.4, a mobile household
35 hazardous waste collection facility, a temporary household
36 hazardous waste collection facility, or a recycle-only household
37 hazardous waste collection facility that transports household
38 hazardous waste from the collection facility to a household
39 hazardous waste collection facility pursuant to subdivision (a) shall

1 comply with subdivisions (a) and (c) of Section 25163 and
2 paragraph (1) of subdivision (d) of Section 25160.

3 (g) (1) Except as provided in paragraph (2), a door-to-door
4 household hazardous waste collection program or household
5 hazardous waste residential pickup service shall not be deemed to
6 be a household hazardous waste collection facility for purposes of
7 this chapter if it is operated in conjunction with an authorized
8 household hazardous waste collection facility.

9 (2) A door-to-door household hazardous waste collection
10 program or household hazardous waste residential pickup service,
11 under which household hazardous waste is collected from
12 households in one jurisdiction and transported to an authorized
13 household hazardous waste collection facility in another
14 jurisdiction, shall be deemed a household hazardous waste
15 collection facility for purposes of this chapter and shall submit the
16 notification required in Section 25218.2 to each CUPA in whose
17 jurisdiction the household hazardous waste is collected.

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.